

STB EX PARTE NO. 530

REMOVAL OF OBSOLETE RAIL TARIFF REGULATIONS

49 CFR Part 1314

Decided February 15, 1996

AGENCY: Surface Transportation Board.

ACTION: Final rule.

SUMMARY: The Surface Transportation Board (the Board) is removing obsolete rail tariff regulations from the *Code of Federal Regulations*.

EFFECTIVE DATE: January 1, 1996.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927-5610. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: Effective January 1, 1996, the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (the Act), abolished the Interstate Commerce Commission (the Commission) and established within the Department of Transportation the Surface Transportation Board. Section 204 of the Act provides that "[t]he Board shall promptly rescind all regulations established by the [Commission] that are based on provisions of law repealed and not substantively reenacted by this Act." 49 U.S.C. 10761 and 10762,

the statutory bases for the part 1314 rail tariff regulations,¹ have been repealed. Carriers no longer have to file or maintain tariffs. We are therefore removing the now obsolete part 1314 regulations.² Tariff regulations at part 1312, which cover other modes of transportation for which tariff filing requirements were not completely eliminated, will be separately addressed and revised.³

Because this action merely reflects, and is required by, the enactment of the Act and will not have an adverse effect on the interests of any person, this action will be deemed to be effective as of January 1, 1996.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

List of Subjects

49 CFR Part 1314

Railroads, Tariffs.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

¹ These regulations were promulgated in *Electronic Filing of Tariffs*, 5 I.C.C.2d 279 (1989), *rules stayed*, 5 I.C.C.2d 1052 (1989), *stay lifted as to rail carrier tariffs*, 6 I.C.C.2d 153 (1989). We subsequently amended our regulations to reflect the status quo for publishing electronic and printed tariffs, and we terminated the proceeding. *Electronic Filing of Tariffs*, 10 I.C.C.2d 597 (1995).

² While the Act removes the requirement that a tariff be filed or maintained, rail carriers must establish and maintain rates and service terms for transportation that are provided under common carriage. Moreover, under 49 U.S.C. 11101(b), rail carriers must disclose those rates to any person upon request. For agricultural products, the rail carrier shall also "publish, make available, and retain for public inspection its common carrier rates, schedules of rates, and other service terms * * * " 49 U.S.C. 11101(d). The Board will separately issue new regulations implementing these requirements. Under 49 U.S.C. 11101(e), a rail carrier is required to provide transportation and service according to the rates and service terms it has published or otherwise made available.

³ Parties may inform the Board whether other regulations are affected by the elimination of § 10761 and § 10762.

APPENDIX

For the reasons set forth in the preamble and under the authority of 49 U.S.C. 721(a), title 49, chapter X of the Code of Federal Regulations is amended as set forth below:

PART 1314 [amended]

1. Part 1314 is removed.